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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,327	01/12/2001	John H. Chiloyan	MICR0199	2689

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EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,327

Applicant(s)

CHILOYAN ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-6, and 8-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, and 8-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/10/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received June 10, 2005 has been entered into record. *Claims 1-2, 4-6, and 8-37* remain ending.

Response to Amendment

3. This office action is in response to the applicants Amendment filed on June 10, 2005. Applicant amended *claims 1 and 23*. *Claims 1-2, 4-6, and 8-37* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2145

5. Claims 1-2, 4, 8-18, and 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh (US006728787B1) and in view of Salgado et al. (US20020067504A1).

6. With regard to claims 1 and 22-23, Leigh discloses,

- *providing a network address (network address 232) in a storage (non-volatile memory 231) of the peripheral device (peripheral device 230);* (Leigh, col.1, line 66 – col.2, line 1; col.2, lines 35-38; modules 230-232, fig.1)

Leigh teaches of storing network address and device identification in a non-volatile memory of the peripheral device.

- *when the peripheral device is coupled to a host device (destination computer 200), transferring the network address from the peripheral device to the host device, said step of transferring comprising the steps of:* (Leigh, col.1, lines 65-66; col.2, lines 1-3; col.3, lines 19-21; module 310, fig.3)

Leigh teaches of connecting the peripheral device to the destination computer and transferring the stored network address in the peripheral device to the destination computer.

- *providing a pointer to a location in the addressable memory of the peripheral device at which the network address is stored;* (Leigh, col.1, lines 65-66; col.2, lines 1-3, lines 45-48, lines 50-51; col.3, lines 1-6, lines 19-23; module 310, fig.3)
- *communicating the pointer to the host device;* (Leigh, col.1, lines 65-66; col.2, lines 1-3, lines 45-48, lines 50-51; col.3, lines 1-6, lines 19-23; module 310, fig.3)

Art Unit: 2145

- *using the pointer to access the location in the addressable memory of the peripheral device; and* (Leigh, col.1, lines 65-66; col.2, lines 1-3, lines 45-48, lines 50-51; col.3, lines 1-6, lines 19-23; module 310, fig.3)
- *communicating the network address to the host device from said location.* (Leigh, col.1, lines 65-66; col.2, lines 1-3, lines 45-48, lines 50-51; col.3, lines 1-6, lines 19-23; module 310, fig.3)

Leigh teaches of connecting the peripheral device to the destination computer and transferring the stored network address in the peripheral device to the destination computer. According to Leigh, *"the memory device can be a register, or the like, and stores the device identification (ID), and a network address, such as Universal Resource Locator (URL)"* (col.3, lines 3-6). Since the register is used to hold the actual interested data, the common idiom for accessing this register or memory location is to use a pointer whose value contains the register's address. Hence, in effect, what the Applicants is claiming is the conventional known process to access the data stored in a register using a programming pointer.

- *enabling communication between the host device and a source (source computer 300) indicated by the network address, said communication pertaining to the peripheral device, said step of enabling communication comprising the steps of:* (Leigh, col.2, lines 3-9, lines 33-34; col.3, lines 6-16, lines 21-23)

Leigh teaches of connecting the destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device.

However, Leigh does not explicitly disclose,

Art Unit: 2145

- *requesting permission of a user to communicate with the source; and*
- *upon receiving permission to do so from the user, initiating the communication between the host device and the source to automatically obtain information from the source pertaining to the peripheral device.*

Salgado teaches,

- *requesting permission of a user to communicate with the source; and*
(Salgado, pg.1, para.11; pg.2, para.24 – pg.3, para.27)
- *upon receiving permission to do so from the user, initiating the communication between the host device and the source to automatically obtain information from the source pertaining to the peripheral device.*
(Salgado, pg.1, para.11; pg.2, para.24 – pg.3, para.27)

Salgado teaches that *“it should be understood that the level of automation of the update process may be modified by the user. Thus, the driver can be instructed to ask for user verification or permission before none, some or all of the steps outlined are performed”* (pg.2, para.25). Salgado states *“the driver may be set to ask permission from the workstation user prior to beginning the update process, prior to downloading a new version of the printer driver or prior to installing a new version of the printer driver”* (pg.3, para.27). Hence, Salgado teaches of a step asking for the user’s permission prior to updating the driver from the server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Salgado with the teachings of Leigh to automatically updating peripheral device (e.g., a printer) driver with minimal or no user interaction.

7. With regard to claims 2, 4, 8-10 and 24-26, Leigh and Salgado disclose,

- *wherein the step of providing comprises the step of storing the network address in an addressable memory of the peripheral device.* (Leigh, col.1, line 66 – col.2, line 1; col.2, lines 35-38; col.3, lines 1-3; modules 230-232, fig.1)

Leigh teaches of storing network address and device identification in a non-volatile memory of the peripheral device.

8. With regard to claims 11-18 and 27-34, Leigh and Salgado disclose,

- *wherein the step of enabling communication comprises the step of automatically retrieving at least one of data, machine instructions, and a document pertaining to the peripheral device from the source indicated by the network address.*

(Leigh, col.2, lines 3-9; col.3, lines 6-16)

Leigh teaches of connecting the destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device.

- *wherein the step of enabling communication comprises the step of automatically executing a setup program obtained from the source and pertaining to the peripheral device.* (Leigh, col.2, lines 3-9; col.3, lines 6-16, lines 24-33)
- *wherein the step of enabling communication comprises the step of automatically installing a device driver program pertaining to the peripheral device, on the host device.* (Leigh, col.2, lines 3-9; col.3, lines 6-16)

Art Unit: 2145

Leigh teaches of connecting the destination computer to the source computer using the stored network address in the peripheral device and retrieving device drivers for the peripheral device.

- *wherein the step of enabling communication comprises the step of automatically downloading and installing updated firmware into the peripheral device.* (Leigh, col.2, lines 3-9; col.3, lines 6-16, lines 42-45)
9. Claims 5-6, 19-21, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh (US006728787B1), in view of Salgado et al. (US20020067504A1), and further in view of Fleming (US006473854B1).

10. With regard to claims 5-6, 19-21, and 35-37, Leigh and Salgado disclose,

See *claims 1 and 23* rejection as detailed above.

However, Leigh and Salgado does not explicitly disclose,

- *further comprising the step of detecting a change in the number of peripheral devices connected to the host device to determine when the peripheral device is connected to the host device.*

Fleming teaches,

- *further comprising the step of detecting a change in the number of peripheral devices connected to the host device to determine when the peripheral device is connected to the host device.* (Fleming, col.2, lines 1-10, lines 18-23; col.4, lines 25-32)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Fleming with the teachings of

Art Unit: 2145

Leigh and Salgado to enable a device for utilization upon detection of its presence by automatically retrieving from a locator specifying the location (network address) that is stored in the memory of the device and installing the device driver once it is retrieved.

Response to Arguments

11. Applicant's arguments with respect to *claims 1-2, 4-6, and 8-37* have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D. Dharia can be reached on 571/272-3880. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

September 2, 2005


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER